

that if you want to slow things down, you have to be on the floor speaking. The way that it worked was that you kept that power in place by making sure there were continuous speeches, one after the other, because if there was a break, the Chair could call the question. That means it comes before the public. That is a good thing. The public of the United States will see us arguing the pros and cons of whether to defend or not defend the voting rights of Americans. They would see us debating whether to stop billionaires from buying elections or not with dark money. They would see us debating the finer points of stopping gerrymandering so the principle of equal representation would either be honored or not honored. That debate would be healthy for the United States of America.

Those are the only two possibilities right now to have an election bill enacted to protect the rights of Americans: a carve-out or restore the filibuster.

I powerfully believe the best path is to restore the filibuster. The Senate is better off by having the rights of the minority honored, the ability of minority Members to be heard; to slow things down to seek amendments; to slow things down to seek compromise; to slow things down to make sure a complicated bill has been weighed in by experts; to slow things down to make sure the press has been able to examine what is in the bill. That is all positive. That doesn't happen with a carve-out.

So I hope we will reinvigorate the filibuster; that all 50 of us will say: Let's restore the balance in the Senate where the minority can slow things down for those valuable reasons but ultimately cannot block a final vote being taken.

This idea was here from the start. The initial Senate—26 Members—they had a motion to move the prior question in the rule book, but they never used it. So in 1805, when Aaron Burr directed the rewriting of the rules, he said: We never use this rule, so let's take it out because we all listen to each other before we vote.

That is a big positive. Every Member should be heard in this Chamber. Every Member should be able to participate and have the ability to put amendments forward, have their voice heard. We should not become the House. The House of Representatives—the majority runs over the top of the minority.

It is a better Chamber for having the voices of minority and majority weighing in on legislation, having amendments from both parties being considered. That is the reinvigoration of the filibuster in its best light.

You know, a year ago and 1 day, a mob attacked the Presidential election, but in the ensuing year, we have had 19 States attack Federal elections for House and Senate Members by changing the rules in their State prejudicially to try to block the young, the

college students, the Tribal members, the Black Americans from voting. It is wrong, but it is happening, and it is on our shoulders, our responsibility, to stop that.

Earlier, I referred to the fact that the path of democracy is not the road most taken. Most of the people in the world operate under authoritarian governments. We have been the shining light to the world to say the right thing in human rights is for governance to flow up from the people, not down from the powerful. We have been that light. But if we cannot make this Chamber function, then the world does not look at us and say, That is the model we want to follow. If we cannot protect the rights of Americans to vote because their names are stripped out of the voting rolls or they are blocked from registering to begin with or blockades are put around the ballot box to make it hard for them to participate, then we are not in a position where the world looks to us and says, That system works. So it is incumbent on us to fix it.

As I was thinking about these roads, the authoritarian road and the democratic road, the role of the Republic and the Republican road being the road less taken, it brings to my mind the poem by Robert Frost, "The Road Not Taken."

Two roads diverged in a yellow wood,  
And sorry I could not travel both.

He goes on to say at the end of the poem:

Two roads diverged in a wood, and I—  
I took the one less traveled by,  
And that has made all the difference.

That is how his poem ends.

We have taken the road less traveled, the road of power flowing up from the people. It is the right road to take, and it makes the difference.

Look at the vast difference between human rights being crushed by China, enslaving a million people in Xinjiang Province, stripping the democratic voice of the people, the right to free speech in Hong Kong, versus the freedom we have in our Nation. Our road is the right road. We have to make it work. To make it work, we need to pass the Freedom to Vote Act and the John Lewis Voting Rights Act, and we need to do it now.

#### MORNING BUSINESS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER (Mr. REED). Without objection, it is so ordered.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Swann, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2881. A communication from the Administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the Administration's Annual Report for fiscal year 2021; to the Committee on Energy and Natural Resources.

EC-2882. A communication from the Biologist of the Branch of Recovery and Conservation Planning, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Technical Corrections for 18 Southwestern United States Species Found in Arizona, New Mexico, and Texas" (RIN1018-BE47) received in the Office of the President of the Senate on December 16, 2021; to the Committee on Environment and Public Works.

EC-2883. A communication from the Biologist of the Branch of Recovery and Conservation Planning, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Technical Corrections for Northeast Species" (RIN1018-BD73) received in the Office of the President of the Senate on December 16, 2021; to the Committee on Environment and Public Works.

EC-2884. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Findings of Failure to Submit State Implementation Plan Revisions for the 2016 Oil and Natural Gas Industry Control Techniques Guidelines for the 2015 Ozone National Ambient Air Quality Standards (NAAQS) and for States in the Ozone Transport Region" (FRL No. 9251-01-OAR) received in the Office of the President of the Senate on December 15, 2021; to the Committee on Environment and Public Works.

EC-2885. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Regulatory Guide (RG) 1.132, Revision 3, 'Geologic and Geotechnical Site Characterization Investigations for Nuclear Power Plants'" received in the Office of the President of the Senate on December 15, 2021; to the Committee on Environment and Public Works.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BLUMENTHAL (for himself and Mrs. BLACKBURN):

S. 3447. A bill to authorize the National Service Animals Monument Corporation to establish a commemorative work in the District of Columbia and its environs, and for other purposes; to the Committee on Energy and Natural Resources.

#### ADDITIONAL COSPONSORS

S. 377

At the request of Mrs. GILLIBRAND, the name of the Senator from Georgia (Mr. OSSOFF) was added as a cosponsor of S. 377, a bill to promote and protect from discrimination living organ donors.

S. 868

At the request of Mrs. GILLIBRAND, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 868, a bill to amend title II of the Social Security Act to eliminate the five-month waiting period for disability insurance benefits under such title and waive the 24-month waiting period for Medicare eligibility for individuals with Huntington's disease.

#### ORDERS FOR MONDAY, JANUARY 10, 2022

Mr. MERKLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m., Monday, January 10; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two

leaders be reserved for their use later in the day, and morning business be closed; and that upon conclusion of morning business, the Senate proceed to executive session and resume consideration of the Davidson nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADJOURNMENT UNTIL MONDAY, JANUARY 10, 2022, AT 3 P.M.

Mr. MERKLEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 3:09 p.m., adjourned until Monday, January 10, 2022, at 3 p.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### COMMODITY FUTURES TRADING COMMISSION

SUMMER KRISTINE MERSINGER, OF SOUTH DAKOTA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 2023, VICE DAN MICHAEL BERKOVITZ.

CAROLINE D. PHAM, OF NEW YORK, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2027, VICE DAWN DEBERRY STUMP, TERM EXPIRING.

##### THE JUDICIARY

MUSETTA TIA JOHNSON, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES FOR A TERM OF FIFTEEN YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW, VICE SCOTT WALLACE STUCKY, TERM EXPIRED.

##### DEPARTMENT OF THE TREASURY

VENTRIS C. GIBSON, OF VIRGINIA, TO BE DIRECTOR OF THE MINT FOR A TERM OF FIVE YEARS, VICE DAVID J. RYDER.

##### DEPARTMENT OF HEALTH AND HUMAN SERVICES

REBECCA E. JONES GASTON, OF OREGON, TO BE COMMISSIONER ON CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE ELIZABETH DARLING.

JANUARY CONTRERAS, OF ARIZONA, TO BE ASSISTANT SECRETARY FOR FAMILY SUPPORT, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE LYNN A. JOHNSON.

##### DEPARTMENT OF STATE

CAROLINE KENNEDY, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF AUSTRALIA.

MICHELLE KWAN, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELIZE.

ROBERT A. WOOD, OF NEW YORK, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 7064:

*To be colonel*

SHAWN D. SMITH

#### WITHDRAWALS

Executive Message transmitted by the President to the Senate on January 7, 2022 withdrawing from further Senate consideration the following nominations:

CLAYBORNE CARSON, OF CALIFORNIA, TO BE A MEMBER OF THE CIVIL RIGHTS COLD CASE RECORDS REVIEW BOARD, (NEW POSITION), WHICH WAS SENT TO THE SENATE ON JUNE 17, 2021.

ROBERT GARCIA, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S. TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2023, VICE JAMES L. HENDERSON, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JUNE 24, 2021.

ROBERT OTTO BURCIAGA VALDEZ, OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE RICHARD G. FRANK, WHICH WAS SENT TO THE SENATE ON OCTOBER 28, 2021.